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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,185

07/09/2008

Peter Bauml

047.0075

3227

3404 7590 03/24/2010
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EXAMINER

PATEL, VINOD D

ART UNIT

PAPER NUMBER

3742

MAIL DATE

DELIVERY MODE

03/24/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,185	Applicant(s) BAUMLER, PETER	
	Examiner Vinod D. Patel	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/16/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the heatable glass pane electrically connected to a heated pane controller having at least two heating stages with different heating power as claimed in claim 9 including all the claimed limitations in claims must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. An abstract on a separate sheet is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Gillner et al. (US6914224).

Gilner et al. discloses a heatable glass pane (1) comprising

a) two contact bus bars (3, 4) of different polarity, which are arranged essentially parallel to one another in their longitudinal direction and parallel to a base edge of the heatable glass pane (1), and

b) a set of heating wires (2), which are in electrical contact with the contact bus bars (3, 4), characterized in that

c) the contact bus bars (3, 4) are arranged essentially in a line in their longitudinal direction as shown in Figures 1-2, and

d) the heating wires (9) have essentially the same length as one another.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillner et al. (US6914224) in view of DE 2960607.

Gillner et al. discloses all the claimed limitations including

- a) one of the heating wires (2), as the outermost heating wire making contact with the contact bus bars (3, 4) at their outer ends facing away from one another, and
- b) at least each inner heating wire (2) being laid with at least one compensation loop in order to achieve the same heating wire lengths.

Gillner et al. does not disclose the heating wires (2) are laid without any points of intersection in relation to one another.

DE 2960607 discloses a heatable glass pane (1) in which parallel heating wires (2) connected to bus bars (5, 6) located in close proximity to each other; the heating wires (2) are laid without any points of intersection in relation to one another.

It would have been obvious to one of ordinary skilled in the art at the time of invention to locate bus bars in close proximity to each other as taught by DE 2960607 in order to laid heating wires without any points of intersection in relation to one another.

Gillner et al. discloses the compensation loops (as shown in Figures 1-2) are produced by at least two changes in direction of the laying direction, the heating wires (2) after each change in direction extending essentially in the opposite direction and parallel to the laying direction before the change in direction.

The heating wires (2) have straight laid sections between the changes in direction, these sections being essentially parallel to a side edge (5) adjacent to the base edge.

The at least one partial section of at least one of the heating wires (2) is laid down in undulating fashion.

The formation of the at least one compensation loop different amplitudes of the heating wire undulation are provided in order to achieve the same heating wire lengths.

The at least one of the inner heating wires (9) has a greater amplitude of the heating wire undulation than the next-outer heating wire (9), at least in sub regions of its course.

Gillner et al. in view of DE 2960607, the heating wires (2) guided without any points of intersection in relation to one another by

a) a first one of the heating wires, as the outermost heating wire, being connected to the outer ends, which face away from one another, of the contact bus bars, and

b) each inner heating wire having greater amplitude of the heating wire undulation than the next-outer heating wire, at least in sub regions of its course, in order to achieve the same heating wire lengths.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gillner et al. (US6914224) in view of DE 2960607 and further in view of Topp (US6320159).

Gillner et al. (US6914224) in view of DE 2960607 disclosed all the claimed limitations except silent with respect to the heatable glass pane electrically connected to a heated pane controller, which has at least two heating stages with different heating powers.

Topp discloses a heatable glass pane (12) electrically connected to a heated pane controller (24) comprising an integrated intelligent circuit in order to time control/temperature control heating of window.

It would have been obvious to one of ordinary skilled in the art at the time of invention to provide a controller as taught by Topp in order to control temperature and provide different stages of heating as desired by the user for the heatable glass pane of Topp.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinod D. Patel whose telephone number is (571)272-4785. The examiner can normally be reached on 7.15 A.M. TO 3.45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu B. Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vinod D. Patel/

Examiner, Art Unit 3742